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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 IN THE EX PARTE MATTER OF:

Case No. 3:19-mc-05019-BHS

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11 MARIA DEL ROSARIO GANTUS DIAZ
12 A215-937-665

EMERGENCY EX PARTE ORDER
TO PROVIDE INVOLUNTARY
MEDICAL TREATMENT

13 **FILED UNDER SEAL**

14 The United States Department of Homeland Security, Immigration and Customs
15 Enforcement (hereinafter “ICE”), by and through the United States Attorney for the Western
16 District of Washington, has filed an ex parte motion for an order permitting ICE to immediately
17 provide involuntary medical monitoring, testing, and, if deemed medically necessary to prevent
18 irreparable injury, intravenous hydration for Maria Del Rosario Gantus Diaz, File No. A215-937-
19 665, who is currently being held as a civil detainee at the Northwest Detention Center in
20 Tacoma, Washington.

22 Based on the declaration of Dr. Sheri Malakhova and Supervisory Detention and
23 Deportation Office Remely A. DelaPaz, the Court finds there is sufficient cause to believe that
24 without the requested medical testing and treatment, Ms. Gantus Diaz is in danger of irreparable
25 injury, and possible death.

EMERGENCY EX PARTE MOTION TO PROVIDE
INVOLUNTARY MEDICAL TREATMENT- 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

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2 Therefore, IT IS HEREBY ORDERED that ICE may undertake necessary medical
3 treatment and testing to save Ms. Gantus Diaz's life and prevent injury to her, including:

4 1. Involuntary hydration through an intravenous line as medically necessary;

5 2. Physical examination with daily weight assessments and frequent vital sign checks;

6 3. Laboratory tests at least every 24 – 72 hours, consisting of:

7 a. Complete metabolic panel. This test reveals an increase in markers of kidney
8 function in view of any renal injury. The panel tests include: BUN (blood
9 urea nitrogen), creatinine level, urinalysis, and proteins. It also reveals
10 electrolyte disturbances as potassium, phosphate, magnesium and glucose
11 levels can lead to heart arrhythmias.

12 b. Complete blood count. This test reveals the hemoglobin level.

13 c. Hemoglobin A1C. This test indicates how long the blood sugar has been in an
14 elevated state and correlates with medical complications.

15 d. Urinalysis, which reveals the presence of ketones, blood and crystals in the
16 urine.

17 e. Magnesium and phosphate levels to assess deficiency affecting heart health.

18 f. Electrocardiogram, if the patient shows an abnormal potassium, is necessary
19 to treat conditions which can lead to lethal arrhythmias.

20 g. Creatine kinase (CK), is an enzyme found inside muscle cells and should be
21 measured as it is released into the blood, when the muscle cells rupture. The
22 increase in CK as a result of the destruction of muscle tissue can lead to acute
23 renal failure and death.

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2 h. Pre-albumin levels. Pre-albumin is used as a marker for nutritional status
3 evaluation, and levels will decrease over time the longer a patient fails to
4 consume adequate nutrition. The pre-albumin level correlates with patient
5 morbidity and mortality risk. Normal pre-albumin is 15-35 mg/dL. When
6 pre-albumin falls to 5-11 mg/DL, significant morbidity risks exist and
7 aggressive nutritional support is necessary.

8 IT IS HEREBY FURTHER ORDERED that if Ms. Gantus Diaz continues to refuse the
9 necessary medical treatment and monitoring, ICE and medical staff as the Northwest Detention
10 Center may use soft medical restraints to assure the safety of Ms. Gantus Diaz and the medical
11 staff when administering the necessary treatment.

12 IT IS HEREBY FURTHER ORDERED that ICE shall submit a status report to the Court
13 on Ms. Gantus Diaz's condition **by 2:00 p.m. on Monday, June 24, 2019.**

14 ICE is directed to provide a copy of this order to Ms. Gantus Diaz forthwith.

15 DATED this 20th day of June, 2019.

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BENJAMIN H. SETTLE

21 United States District Judge

22
23 Presented by:

24
25 BRIAN T. MORAN
United States Attorney

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EMERGENCY EX PARTE MOTION TO PROVIDE
INVOLUNTARY MEDICAL TREATMENT- 4

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